

FILED

SEP 09 2019

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACOB KRAUS,

Defendant.

CR 13-16-BLG-SPW

ORDER

On September 9, 2019, Defendant Jacob Kraus appeared before the Court for his initial appearance on a petition alleging he violated conditions of his supervised release. Defendant waived his right to a preliminary hearing on the petition. The United States requested that Defendant be detained pending his final revocation hearing, and Defendant did not oppose detention.

Pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a), a judicial officer shall order that a defendant awaiting a final disposition on a petition alleging violations of supervised release be detained “unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community” if the defendant were

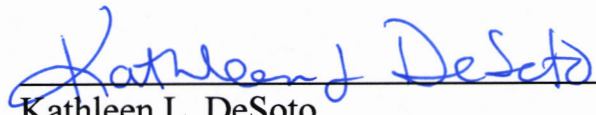
released from custody. 18 U.S.C. § 3143(a); *United States v. Loya*, 23 F.3d 1529, 1531 (9th Cir. 1994) (applying standards for release under § 3143 to the issue of detention or release relative to a petition alleging violations of supervised release). A defendant bears the burden of establishing by clear and convincing evidence that he is entitled to release under § 3143. Fed. R. Crim. P. 32.1(a)(6).

Because Defendant has does not oppose detention he has not met his burden of demonstrating that he is entitled to release. Therefore, based on the present record the Court finds there is no clear and convincing evidence to support a finding that the Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he were released from custody.

Accordingly, pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a), **IT IS HEREBY ORDERED** the Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the

Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 9th day of September, 2019.


Kathleen L. DeSoto
United States Magistrate Judge